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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,711	06/25/2003	Wayne M. Blackwell	FS-00887	9978
7055	7590	06/02/2006	EXAMINER	
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			ADAMS, GREGORY W	
			ART UNIT	PAPER NUMBER
			3652	

DATE MAILED: 06/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/602,711	BLACKWELL ET AL.
Examiner	Art Unit	
Gregory W. Adams	3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 16 March 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-26 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

In view of the Appeal Brief filed on March 16, 2006, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the Application, Appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office Action is non-final) or a reply under 37 CFR 1.113 (if this Office Action is final); or,
- (2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 2, it is unclear if the mail objects are being loaded into a bucket assembly or a container which is supported by a bucket assembly? If the latter is

true, how do the sensors which are part of the bucket assembly register a fill capacity within a container which can block off photo-eye sensors?

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-17, 19-22 & 24-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Wilde (US 4,875,327).

With respect to claims 1, 3, 4 & 16, Wilde discloses an actuator system 66 that moves a bucket assembly 10, 12, 14 between upright (FIG. 1), intermediate (C6/L58-62) and full tilt (FIG. 2) positions, at least one sensor 130, 156 which detects whether a bucket assembly has reached a fill capacity at each of the upright positions, intermediate positions and full tilt positions, a feedback control system which controls bucket assembly indexing (indicated generally as 200). And, where “to settle” is defined as “to put into order; arrange or fix definitely as desired” (www.dictionary.com) Wilde discloses putting in order to prevent damage to packed parts. C1/L45-C2/L20. It is noted that one sensor only is required to sense a fill capacity at each of the three positions.

With respect to claim 5, Wilde discloses a safety sensor 158

With respect to claim 6 & 7, Wilde discloses an additional sensor 158 to sense an upright or down position.

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With respect to claim 8, Wilde discloses a chute sensor 130.

With respect to claims 9 & 10, Wilde discloses a cradle assembly comprising a shaft 60 coupled to a mounting system 32.

With respect to claim 11, Wilde discloses lift ribs.

With respect to claim 12-15, Wilde discloses a hydraulic system, lift ribs, linkage system, and bucket assembly having a floor and rear wall.

With respect to claims 17 & 19-20, Wilde discloses a loading system comprising an induction mechanism, transporting system 16, 166, chutes 160b-c, bucket assembly 10b-c, 12b-c, 14b-c12b-c, one sensor, and feedback control system.

With respect to claim 21, Wilde discloses a method for loading packages comprising:

placing a container 22 in a first tilt position (C6/L33-69);

detecting when a container is full at the first tilt position;

indexing a container to an intermediate tilt position to enable settling contents;

detecting when a container is full at an intermediate tilt position; and

indexing a container to an upright position.

With respect to claim 24, Wilde discloses detecting problems and stopping loading.

With respect to claim 25, Wilde discloses a module 130 which detects when a container is full at a first, intermediate and upright positions, a module 156 which detects a container position (e.g. container position is upright and down, C6/L22), a module 200 which controls container movement based on container capacity.

With respect to claim 26, Wilde discloses a positional sensor 158.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 18 & 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilde in view of Herrin (US 5,797,716).

With respect to claim 2, Wilde does not disclose a sensor determining whether any container is properly positioned. Herrin discloses sensors 66, 67 "for sensing the entering and exiting of containers C therethrough" (C6/L56) to reduce manual labor downtime. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Wilde's apparatus to include a sensor determining whether a mail holding container is positioned within a bucket assembly, as per the teachings of Herrin, to reduce manual labor downtime.

With respect to claim 18, Wilde discloses a safety sensor 158, an upright and down sensor 156, and a chute sensor 130, and does not disclose a sensor for proper container positioning. Herrin discloses sensor 66, 67 determining whether a container is properly positioned (C6/L56) to reduce manual labor downtime. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Wilde's apparatus to include a sensor to determine whether a container is

properly positioned within a bucket assembly, as per the teachings of Herrin, to reduce manual labor downtime.

With respect to claim 23, Wilde does not disclose a step of detecting whether a containers is properly positioned prior to loading. Herrin discloses a step of detecting whether a container is properly positioned prior to loading (C6/L46-60) to control lifting of a container and reduce manual labor downtime. C1. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Wilde to include a step of detecting whether a container is properly positioned, as per the teachings of Herrin, to control container lifting and reduce manual labor downtime.

Response to Arguments

Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory W. Adams whose telephone number is (571) 272-8101. The examiner can normally be reached on M-Th., 8:00-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GWA



GENE C. CRAWFORD
SUPERVISORY PATENT EXAMINER